

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

UNITED STATES OF AMERICA,)	
Complainant,)	
)	8 U.S.C. 1324a Proceeding
)	
)	OCAHO Case No. 97A00036
)	
)	
SOFIA'S MEXICAN PRODUCE, INC.)	
DBA: SOFIA'S TORTILLERIA; SOFIA'S)	
MEXICAN FOOD PRODUCE, INC.;)	
TORTILLERIA SOFIA'S;)	
GONZALEZ TORTILLAS)	
Respondent.)	

Honorable Marvin H. Morse., Administrative Law Judge

DECISION AND ORDER APPROVING CONSENT FINDINGS

On December 3, 1996, a Complaint Regarding Unlawful **Employment** was filed by the United States of America, hereinafter referred to as the "Complainant," against Sofia's Mexican Produce, Inc. dba: Sofia's Tortilleria; Sofia's Mexican Food Produce, Inc.; Tortilleria Sofia's; Gonzalez Tortillas hereinafter referred to as the "Respondent," pursuant to 8 U.S.C. 1324a. Attached to the Complaint and incorporated therein by reference was a Notice of Intent to Fine (hereinafter referred to as the "Notice"), which had previously been personally served upon the Respondent on July 23, 1993.

Complainant and Respondent have filed a Stipulated Motion to Approve Consent Findings with attached "Settlement Agreement Containing Consent Findings" signed by both Parties.

Upon review and full consideration of the Motion and attached Settlement Agreement Containing Consent Findings filed by the Parties with this Court, I find that it complies with the requirements of 28 C.F.R. Section 68.14.(b) of the Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens and Unfair Immigration-Related Employment Practices, and fully disposes of the allegations set forth in the Complaint by providing that the Respondent pay the total sum of Forty-One Thousand Nine Hundred Eighty Dollars (\$41,980.00) in full settlement and satisfaction of all claims against the Respondent set forth in the Notice. I conclude that the proposed Settlement Agreement is fair and satisfactory, and there is no reason not to accept it within the contemplation of 28 C.F.R. 68.14. On the basis of the proposed Settlement Agreement, I find and conclude that Respondent has violated Section 274A(a)(1)(B) of the Act.

Accordingly, the numbered provisions proposed by the Parties in the "Settlement Agreement Containing Consent Findings" are adopted by this Court as the Consent Findings in this case. The Consent Findings are hereby approved and incorporated by reference in this Decision and Order, and all relief sought is hereby granted.

IT IS HEREBY ORDERED:

1. That the Respondent, Sofia's Mexican Produce, Inc. dba: Sofia's Tortilleria; Sofia's Mexican Food Produce, Inc.; Tortilleria Sofia's; Gonzalez Tortillas pay a civil monetary penalty in the total sum of Forty-One Thousand Nine Hundred Eighty Dollars (\$41,980.00) in accordance with the terms set forth in the Settlement Agreement and the numbered provisions therein which are adopted as Consent Findings (copy attached hereto).

This Decision and Order is the final order of the judge in accordance with Section 68.52(b) of the Final Rules of Practice and Procedure, supra. As provided in those Rules, id. at Section 68.53, this Decision and Order shall become the final order of the Attorney General unless within thirty (30) days from the date of this Decision and Order, the Chief Administrative Hearing Officer vacates or modifies it.

IT IS SO ORDERED this 16th _____ day of _____, 1996 at Falls Church, Virginia.

Marvin H. Morse
Administrative Law Judge